

Martha G. Bronitsky
Chapter 13 Standing Trustee
United States Bankruptcy Court

22320 Foothill Blvd #150, Hayward , CA 94541
Mail to: P.O. Box 5004, Hayward, CA 94540-5004
Debtor Chapter 13 Plan Payments to: P.O. Box 88007, Chicago, IL 60680-1007
Telephone: (510) 266-5580
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July 18, 2019

Juan Garcia Vasquez
Margarita Melgoza Vasquez
3326 Jamie Way
Hayward, CA 94541

Chapter 13 Case No.: 19-41545-CN 13
Re: Juan Garcia Vasquez
Margarita Melgoza Vasquez

In our initial review of your case, the trustee requests clarification of the listed items on the attached forms.

Although a complete review of this case has not taken place and there may be other inconsistencies that may need to be addressed at the 341 meeting, it is necessary to advise you of the situation.

The requested items **must** be received five (5) days prior to the 341 meeting of creditors. Failure to provide the requested information may result in the recommendation by the trustee that this case be dismissed or converted to a Chapter 7.

If you have any question concerning this matter, please do not hesitate to contact the Legal Department.

Sincerely,

/s/ Martha G. Bronitsky
Martha G. Bronitsky
Chapter 13 Standing Trustee

BASED ON THE INITIAL REVIEW OF THE ABOVE DEBTORS CASE THE FOLLOWING AMENDED PLAN, SCHEDULES AND/OR MISC DOCUMENTS **NEED TO BE FILED WITH BANKRUPTCY COURT AND/OR PROVIDED TO THE CHAPTER 13 TRUSTEE** FOR THE FOLLOWING REASONS:

DEBTOR'S PLAN

- ☐ Northern District of California Chapter 13 plan to be filed with court. [NDC-1 (11-6-17) – see attached]
- ☐ Please serve the plan on all creditors with 28 days' notice and opportunity to object on all creditors or 21 days' notice and opportunity to object, if plan was previously served and amendment is being filed that effects the creditors.
[Attached is a standard notice and certificate of service. Please include your creditors in the certificate of service and mail a copy of the notice, certificate of service and the plan to each creditor and file the notice and certificate of service with the bankruptcy court]
- ☐ Last four digits of Soc. Sec. No:
____ Do no match statement of social security form
____ Missing
- ☐ Section 1.01 (b)
____ A nonstandard provisions is reflected on section 7 but the box has not been checked
____ Debtor has selected that a nonstandard provision is reflected, but no provisions has been listed
- ☐ Section 1.02 - No alteration to form plan permitted. Debtor has altered the following section(s) _____
- ☐ Section 2.01:
____ Plan payments on the chapter 13 plan not provided
____ Plan payment is not feasible. Payments need to increase to ____ for ____ months.
____ Debtor must file a declaration regarding the proposed step payments
____ Debtors plan fails to meet the chapter 7 liquidation analysis
- ☐ Section 2.02:
____ missing amount, source and/or date of lump sum payment(s)
____ No time frame for sale/refinance of property and/or time frame too long (Timeframe should not exceed 12 months)
____ Sale/refinance provision missing:

- ☐ Section 2.03 missing duration of plan
- ☐ Section 3.05 (Attorney fees):
 ___ Missing:
 ___ Fees are inconsistent with the amounts reflected on the Fee disclosure and/or the rights and responsibilities form
 ___ Fees are in excess of the allowed fees
 ___ Need to file a motion for attorney fees pursuant to selection made in the plan section 3.05, to receive payment on attorney fees.
- ☐ Section 3.06 (Administrative expenses): _____
- ☒ Section 3.07 (Secured claims – Class 1):
 ___ **XX** PLAN DOESNT FUND AT 100% NEEDS TO INCREASE PLAN PAYMENT TO \$3324.19 FOR 60 MONTH TO PAY 100% + ARREARS AND CONDUIT PAYMENTS
 ___ **XX** Class 1 checklist needed pursuant to General Order 34
 ___ **XX** Authorization release form needed pursuant to General Order 34
 ___ **XX** SECT 3.07 GATEWAY - IF NO ARREARS AND PAYING DIRECT NEEDS TO BE IN SECT 3.10 OR SECT 7 PROVISION FOR CONDUIT PAYMENT
 ___ **XX** SECT 3.07 BANCO POPULAR PER SCH D THIS IS A HOME EQUITY LINE SHOULD BE IN SEC 3.08A
- ☐ Section 3.08 (Secured claims – Class 2):
 ___ Missing _____
 ___ (B) & (C) "Reduction in value" requires Motion to value Collateral to be filed and ordered prior to confirmation of plan. Needed for the following creditors: _____
 ___ If debtor has elected to value a creditor through the plan the plan must be served pursuant to Fed.R.Bankr.P. 3012
- ☐ Section 3.09 (Class 3 – Surrender):
 ___ Missing
- ☐ Section 3.10 (Class 4 – Direct):
 ___ Missing
- ☐ Section 3.12 (Unsecured Priority)
 ___ Missing estimated priority claims
 ___ Domestic support checklist to be provided pursuant to General Order 34
- ☐ Section 3.13 (unsecured treated differently):
 ___ Treatment of such claims must be appended to the plan referencing section 3.13 of the plan
 ___ The following creditor(s) treatment unfairly discriminates other unsecured creditors:

Section: ____ Creditor: _____

- ☐ Section 3.14 (Unsecured)
____ Percent plan or Pot Plan must be selected
____ Estimated percentage must be reflected under "Pot Plan"
- ☐ Section 4.01 – Missing _____
- ☐ Section 4.02 – Missing _____
- ☐ Section 7:
____ All nonstandard provisions shall be identified by a section number beginning with section 7.01 and indicate which section of the form plan are modified by it.
____ Signatures are missing
- ☐ Information on the plan, does not match/needs clarification:
____ Creditor is listed in multiple sections, must select one.
- ☐ Claim #____ filed by ____ - not provided for and/or classification of claim is different than scheduled and/or filed for higher than scheduled.

MISC DOCUMENTS

- ☒ Copy of most recent filed IRS tax return to trustee's office 7 days before 341.
Send 1st two pages of 1040 & schedule C (if applies) with all SSN's redacted including dependents' names and SSN's (if applies).
- ☒ Payment advices/paystubs and/or Certification pursuant to General Order 32 (from 60 days prior to filing) to be provided to trustee's office 7 days before 341.

NOTE: PLEASE DO NOT FILE TAXES OR PAYMENT ADVICES WITH COURT.

THEY ARE TO BE SENT IN THE FOLLOWING FORMATS:

- Via mail - Po Box 5004 Hayward Ca 94540
- Drop off – 22320 Foothill Blvd #150 Hayward Ca 94541
- FTP site (Contact the Trustee's office for instructions)

- ☐ Copy of debtor(s) most recently filed 1099's
- ☐ Certificate of credit counseling and/or declaration of exigent circumstances re: credit counseling to be filed.
- ☒ Statement by debtor not represented by an attorney to be provided (see attached)

MEANS TEST (Form 122C-1/ Form 122c-2)

- ☐ Payment of \$ with % to unsecured creditors is needed to pay in disposable monthly income of \$
- ☐ Per means test, commitment period of 60 months is needed for plan.
- ☐ Business expenses need to be moved from form 122C-1, line 5 to form 122C-2, line 43.
- ☐ Deduction on # needs a supporting declaration.
- ☐ #16b provides for a household size of ____, which includes adults. All income from adult members of the household should be provided for on #4 or #10.
- ☐ Deduction on # does not match the current expenses of the debtor, per the schedule J.
- ☐ Incorrect information on means test Line#
- ☐ Declaration is necessary:
____ to explain the difference between the Means Test Income of \$____ and the
Schedule I income of \$ ____.
____ with documentation and proof to support deduction on line # _____

SCHEDULES:

- ☐ **Voluntary Petition (Form 101):** Part __ # ____:
- ☐ **Summary of Your Assets/ Liabilities/ Certain Statistical information (Form 106Sum):**
Part __ # ____:
- ☐ **Schedules A/B (Form 106A/B):** Part __ # ____:
- ☐ **Schedule C (Form 106C):**
Part __ # ____:
- ☐ **Schedule D – Secured Creditors (Form 106D):** Part __ # ____:
- ☐ **Schedule E/F- Unsecured creditors (Form 106E/F):** Part __ # ____:
____ must reflect domestic support obligation information for the holder of the claim.
(Only if there is a court ordered for the support)
- ☐ **Schedule G – Executory Contracts (Form 106G):** Part __ # ____:

☐ **Schedule H – Co-Debtors (Form 106H):** Part __ # __:

☒ **Schedule I – Income (Form 106I):**

___ Part __ # __:

___ must reflect complete employer address/information for debtor.

___ Line 8a requires supporting statement that reflects gross receipts, ordinary and Necessary business/rental expenses, and total monthly net income.

___ **XX** Declaration of outside party to support plan to be filed re: SON CONTRIBUTION \$2600 (Including: Name of person giving the support, source of the support, amount of the support & the duration of the support)

☐ **Schedule J - Expenses**

☐ **(Form 106J):**

___ Part __ # __:

___ Expenses exceed Income

___ Proposed payment exceeds excess income

___ Auto insurance not provided for

☐ **(Form 106J-2):** Part __ # __:

☐ **Statement of Financial Affairs (Form 107):**

___ Information incomplete Part __ # __:

___ Part __ # __ Missing

ATTORNEY FEES

☐ Rights and Responsibilities form is not filed and/or on incorrect form [Form was updated 1/1/19]

☐ Attorney fee disclosure form is not filed

☐ Initial fee application needed for fees over the basic amount of \$4,500

MORTGAGE MODIFICATION MEDIATION (MMM):

☐ Motion for referral of case to the MMM program needs to be filed and ordered

OTHER:

☐ Motion to dismiss:

☐ Proof of loan modification application and mortgage payments to be provided

*****Note: If you have questions regarding the above information, please contact the Trustee's office by phone (510) 266-5580 or send an email:**

RLE - Susie Valdivia at svaldivia@oak13.com

CN - Rammet Muñoz Rubio at rmunoz@oak13.com

WJL – Carolina Urbina at curbina@oak13.com

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

Please Print Your Name

In re:

Debtor(s).

Case No. _____

Chapter _____

STATEMENT BY DEBTOR NOT REPRESENTED BY AN ATTORNEY

(All debtors who are not represented by bankruptcy counsel must check the appropriate box and provide all information requested.)

1. How did you get the bankruptcy forms? _____
If from the Internet, what is the web address? _____
2. How did you decide what exemptions to list on your schedule C? _____
3. What individual, business or internet site ("Preparer") helped you decide to file bankruptcy **OR** prepare your bankruptcy papers?
Name: _____
Address: _____
City, State & Zip Code: _____
Telephone Number: _____
E-mail address: _____ Website: _____
4. How did you find this preparer? _____
5. How much did you pay the preparer? _____ ☐ cash ☐ check ☐ money order ☐ other:
6. Did you also pay an attorney who worked with the preparer? If yes, how much? \$ _____
☐ cash ☐ check ☐ money order ☐ other: _____
What was the attorney's name? _____
7. In addition to the payments in 5 and 6, did you make any other payments? ☐ Yes ☐ No If yes,
how much? \$ _____ ☐ cash ☐ check ☐ money order ☐ other: _____
To whom? _____ What for? (e.g. court filing fees) _____
8. The preparer helped me by doing the following: **(Check all that apply)**
☐ Calling creditors on my behalf.
☐ Typing my bankruptcy papers.
☐ Advising me whether to file for bankruptcy.
☐ Advising me what information to put in my Schedule C.
☐ Advising me how to answer questions at meetings or hearings.
☐ Other: _____
9. Did the preparer instruct you to state that you had not been helped? ☐ Yes ☐ No
10. The preparer ☐ did ☐ did not give me a copy of my bankruptcy papers when **OR** before I signed them.
11. Where and when can you be reached if necessary?
Tel. No.: (____) _____; best time: _____ Tel. No.: (____) _____; best time: _____

I declare under penalty of perjury that the foregoing is true and correct:

Date

Debtor

Date

Co-Debtor